

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

SYDELLE GOLDWURM,
Individually and on behalf of all others
similarly situated,

Plaintiff

v.

AMERICAN REALTY CAPITAL
TRUST, INC., *et al.*,

Defendants

* * * * *

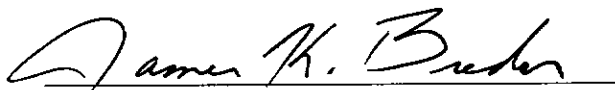
CIVIL NO. JKB-12-3516

MEMORANDUM

This case was filed on November 29, 2012, as a shareholder's derivative suit seeking to enjoin a proposed merger between American Realty Capital Trust, Incorporated ("ARCT"), and Tau Acquisition LLC, a wholly-owned subsidiary of Realty Income Corporation. (Compl. ¶ 1, ECF No. 1.) Currently pending are Plaintiff's motion for expedited discovery (ECF No. 7), a motion to stay proceedings by all Defendants (ECF No. 9), and motions to dismiss by two sets of Defendants (ECF Nos. 10 & 11). None of these motions is ripe yet. Because of the substance of the motion to stay, the Court intends to decide that motion before it addresses the motion for expedited discovery. Decision will, of course, await the expiration of time for Plaintiff to file a response in opposition to the motion to stay and, if opposition is filed, the expiration of time for Defendants to file their reply. The parties are free, however, to advance the time for decision by filing their respective response and reply sooner than the Court's standard deadlines.

DATED this 21 day of December, 2012.

BY THE COURT:


James K. Bredar
United States District Judge